



FILE COPY

MAY 31 1923

WM. R. STANSBURY
CLERK

IN THE
SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1922.

**FIRST NATIONAL BANK
IN ST. LOUIS,**

Plaintiff in Error,

vs.

**STATE OF MISSOURI, Upon Infor-
mation of JESSE W. BARRETT,
Attorney-General,**

Defendant in Error.

No. 919: 252

**MOTION OF PLAINTIFF IN ERROR TO
ADVANCE FOR REARGUMENT.**

**JAMES C. JONES,
LON O. HOCKER,
FRANK H. SULLIVAN,
EUGENE H. ANGERT,**
For Plaintiff in Error.

IN THE
SUPREME COURT OF THE UNITED STATES.

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FIRST NATIONAL BANK
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vs.

STATE OF MISSOURI, Upon Infor-
mation of JESSE W. BARRETT,
Attorney-General,

Defendant in Error.

No. 919.

**NOTICE OF MOTION TO ADVANCE FOR
REARGUMENT.**

The State of Missouri is advised that on the *4th*
day of June, 1923, the plaintiff in error will present
to the Supreme Court of the United States at Wash-

ington, D. C., a motion to advance the above-entitled cause, a copy whereof is herewith handed you.

JAMES C. JONES,
LON O. HOCKER,
FRANK H. SULLIVAN,
EUGENE H. ANGERT,
For Plaintiff in Error.

Service of the foregoing, with a copy of said motion, is hereby acknowledged.

~~The defendant in error joins in the request of the plaintiff in error in this respect.~~

STATE OF MISSOURI,

By.. *Merrill E. Oltz*
Assistant Attorney-General.

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Defendant in Error.

} No. 919.

**MOTION OF PLAINTIFF IN ERROR TO
ADVANCE FOR REARGUMENT.**

And now comes the plaintiff in error and respectfully shows to the Court:

(1) On the application of the plaintiff in error, this cause was advanced and ordered docketed for argument April 30, 1923; and, in due course, was thereupon argued.

(2) Subsequently it was ordered restored to the docket for reargument at the October Term, 1923,

upon one only of the questions arising upon the record, to wit, the power of the state to "institute and maintain a proceeding to question compliance of a national bank with its charter."

(3) This is an important question, for various and apparent reasons, concerning the fundamental relations of state and national governments.

(4) The interventions in the case, as now appearing upon the record, of various states through their Attorneys-General, and various national banks through their counsel, show the wide spread interest in the case as a whole, and the questions with which it deals.

(5) The State of Missouri is a party hereto and under Sec. 949, Rev. Stats. (Sec. 1581, U. S. Comp. Stats. for 1916), this cause is entitled to a hearing in advance of all civil causes between private parties now pending on the docket of this court.

(6) Shortly prior to the institution of this proceeding, the plaintiff in error opened, established and equipped in the City of St. Louis, a branch office for the conduct of a portion of its banking business, and equipped leaseholds at three other points in said city for the same purpose and provided the necessary equipment and clerical force for those as well—aiming at the extension of its banking business and the better accommodation of its customers and the public. These places have not been opened for busi-

ness because of an injunction granted by the state court when this proceeding was instituted.

The plaintiff in error, therefore, respectfully asks that the cause be advanced and ordered docketed for reargument in October or November, 1923.

Respectfully submitted,

JAMES C. JONES,
LON O. HOCKER,
FRANK H. SULLIVAN,
EUGENE H. ANGERT,
For Plaintiff in Error.

State of Missouri, }
City of St. Louis. } ss.

F. O. Watts, of the City of St. Louis and State of Missouri, being duly sworn, upon his oath, states that he is president of the First National Bank in St. Louis; that he has read the foregoing motion to advance, and the matters and things therein set forth are true as he truly believes.

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Subscribed and sworn to before me this day
of May, 1923.

My commission expires.....

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Notary Public.

